

MEMORANDUM

Date: March 18, 2005

To: Greg Carpenter

From: Mercedes McLemore

Subject: Minutes from March 9, 2005 Los Cerritos Wetlands Meeting

Meeting Notes:

Roll Call:

Attendees

City of Long Beach:

Greg Carpenter, Planning Bureau Manager

Mercedes McLemore, Planner

MEETING CALLED TO ORDER—6:00 PM

Review of Minutes from last meeting

Minutes Approved from February 9, 2005

Meeting Open for Public Comments

- CJ Hentzen (Island Village resident) introduced himself, made a brief statement regarding the wetlands. He stated that Bryant, Hellman and Bixby own wetlands. That the community wants quality of life, and compared this time to the Apollo “window of opportunity.” He stated that the group inspired him, and that he believes everyone could profit from these lands, including residents.

Meeting Open for Staff Comments

- Future Guest Speakers
 - Angela Reynolds, Community, Environmental, and Advanced Planning Officer
 - Marty Moreno, Los Angeles County Department of Public Works

Speaker Presentation:

Pam Anderson, California Coastal Commission (i.e. “Commission”)

Greg Carpenter gave a brief introduction of the guest speaker, introducing the group and explaining its purpose to her. Ms. Anderson explained her role as Senior Supervising Planner for the California Coastal Commission, as well as a brief history of the organization. The Commission started as a vote by the people. They wanted beach access, and to protect the coastal resources of their community. Ms. Anderson stated that it started with a time limit set to establish a plan, and was initiated by the Coastal Act of 1976. According to this act, the job of the Commission was to protect public access, natural resources, public views, and to control development along the coast. Ms. Anderson further explained that according to this act, Commission was given a process by which to operate. This process included a permitting system, and a local coastal plan, for groups like Los Cerritos Wetlands Study Group to work with Staff and determine that projects are applicable and/or compatible to the Local Coastal Plan.

Ms. Anderson said that Long Beach was one of the first jurisdictions to develop and Local Coastal Plan. This plan had a deadline established to develop certain lands. The Commission gave Long Beach six (6) months to annex these sites into the city and determine their status as wetlands. She further explained that the purpose of Local Coastal Plans is to protect wetlands by restricting development. The Los Cerritos Wetlands were considered, and the plan also established areas and consolidated wetlands, while allowing "patches" of development in the wetlands. There was a similar plan for Bolsa Chica, but a lawsuit ensued and the presiding court determined that even these "patches" of land could not be developed.

Ms. Anderson went on to describe how a wetland is identified. She explained that the first step is for the Conservation Core and the Fish and Wildlife Department to find that (1) the land is inundated, (2) there are hydraulic soils present, (3) there is wetland vegetation present. However, the environmental groups disagreed with these findings because seasons can change these factors, causing certain lands to not pass as wetlands, even though they are. Ms. Anderson stated that wetland features adjust during seasonal changes. As a result, Fish and Wildlife concluded that if a site meets one of the three possible findings, then it is a wetland. In order to make any of these findings the land must be surveyed, and even then there may be disagreements because it is hard to identify a wetland. She stated that in order for a wetlands to work, there must be sufficient distance between the site and nearby development because so that there is a place for water to drain into the wetland. The Commission follows this definition of a wetland. Ms. Anderson stated that developers typically pay for the surveys, and the agencies review the findings. When asked if there are private consultants that do such surveys, Ms. Anderson stated that there are such consultants. When asked where in the development process does such surveying come in, Ms. Anderson answered that it's hard to tell, since the developer does not know the site's potential without the survey and yet would not be asked to do a survey until a proposal was made. Ms. Anderson mentioned that a developer could survey and apply for a Local Coastal Permit with just a right to buy instead of actual land ownership. She was then asked if the Commission accepts surveys completed by independent organizations, such as the Los Cerritos Wetlands Study Group, and she stated that mostly large corporations and developers request such surveys. She said that it is possible for an independent group to survey the land, but not without the owner's permission (since these are private lands). The Commission would consider the study and look at it as a party owner-hired. When asked if Los Cerritos has yet been established as wetlands, Anderson said that there are clearly wetlands there but it is unknown how viable the lands are. She explained that there are no "wetland boundaries" established yet for this site. She mentioned that removing wetland vegetation is not permitted, but that the removal of on-site trash is. She further explained that there is a trade-off in developing this land. If some of the land is considered wetlands, then a higher density may be permitted on the upland to avoid a taking.

Ms. Anderson went on to explain the process of obtaining a Local Coastal Permit. She said that for Los Cerritos, a developer would need a zone change because the site is currently not zoned to allow any residential (although commercial use is possible). She said that after the applicant files for the zone change, they would come to the Commission for project review. The Commission would then work closely with the City of Long Beach to review such plans. She stated that the Commission would rather see development plans for a site instead of considering only a conceptual plan or written

proposal. For the Los Cerritos Wetlands, difficulty will arise in trying to get a Local Coastal Permit because only portions of the wetlands are in a Local Coastal Plan (SEADep). Therefore, the “missing pieces” are still under state jurisdiction since our local coastal plan is not certified.

Ms. Anderson then explained the level of review for established wetlands. She stated that if the project site is within 100' from the San Gabriel River (or other wetlands), there can be an appeal for compatibility to the Local Coastal Program. If the project site is considered a wetland, then the Commission has jurisdiction. If outside of the “wetland boundary” (100' or 300'—can't remember) then the city has jurisdiction and appeals go to court. She concluded that if the project site is within 300' from the mean high tide or beach, then the project can be appealed to the Commission. She also mentioned that wetlands can only be removed for (1) incidental public service, (2) boating recreational facilities, or (3) marina facilities.

When told that the Los Cerritos is a wetland because birds use this property, Anderson stated that the Commission could consider that fact, but it is still difficult to determine a wetland boundary when looking at previously disturbed land. She was then asked if the 80% open space requirement in SEADIP was this required b/c we thought only 1/3 of the property was wetlands. Greg Carpenter explained that this open space allowance was intended for walking paths, waterways, and other recreational uses. She was then asked if the Commission has a determination of degraded versus non-degraded wetlands, and she stated that there was no legal distinction between these two. She then explained the difference between the Commission and the Conservancy. She stated that the Commission regulates land, while the Conservancy can hold title to land. The Commission cannot purchase land, but can restrict development of it and make requirements. She stated that many wetlands have been lost since 1978 (when the act was created) because the definition of a wetland has changed, and some wetlands were not identified as such in the past.

Other Issues

Next meeting is on April 13, 2005. Study group roster will be posted on the website.